

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

BUSH SEISMIC TECHNOLOGIES, LLC,

Plaintiff,

v.

GEOPHYSICAL RESEARCH LLC D/B/A  
GEOPHYSICAL INSIGHTS,

Defendant.

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Bush Seismic Technologies, LLC (“Bush Seismic” or “Plaintiff”), for its Complaint against Defendant Geophysical Research LLC d/b/a Geophysical Insights, referred to as (“Geophysical Insights” or “Defendant”), alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff Bush Seismic Technologies, LLC is a limited liability company organized under the laws of the State of Texas.

3. Upon information and belief, Geophysical Research LLC d/b/a Geophysical Insights is a limited liability company organized and existing under the laws of Texas, with a place of business at 8588 Katy Freeway, Suite 349, Houston, TX 77042, and a registered agent for service of process at c/o Thomas A. Smith, 5227 Tortuga Tr., Austin, TX 78731. Upon information and belief, Geophysical Insights sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and

services that embody the claimed features and/or perform infringing methods into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

#### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

7. Upon information and belief, Geophysical Insights conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas. Further, this Court has personal jurisdiction over Geophysical Insights because it is incorporated in Texas and has purposely availed itself of the privileges and benefits of the laws of the State of Texas.

#### **THE PATENTS IN SUIT**

8. On May 22, 2001, U.S. Patent No. 6,236,942 (“the ’942 patent”), entitled “System and Method for Delineating Spatially Dependent Objects, Such as Hydrocarbon Accumulations from Seismic Data,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’942 patent is attached as Exhibit A.

9. On June 25, 2002, U.S. Patent No. 6,411,903 (“the ’903 patent”), entitled “System and Method for Delineating Spatially Dependent Objects, Such as Hydrocarbon Accumulations from Seismic Data,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’903 patent is attached as Exhibit B.

10. Bush Seismic is the assignee and owner of the right, title and interest in and to the above-referenced patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,236,942**

11. The allegations set forth in the foregoing paragraphs 1 through 10 are incorporated into this First Claim for Relief.

12. Upon information and belief, Geophysical Insights has and continues to directly infringe one or more claims of the '942 patent by making, using, selling, importing and/or providing and causing to be used products and services embodied by one or more claims of the '942 patent, including the use of neural networks or other claimed specialized computer technologies in the exploration of oil and gas and/or minerals, which products and services, by way of example, include Geophysical Insights' Interpretation Services and Paradise Software (the "Accused Instrumentalities").

13. Geophysical Insights was made aware of the '942 patent and its infringement thereof at least as early as its receipt of correspondence from Bush Seismic providing notice of the '942 patent and Geophysical Insights' infringement thereof sent to Geophysical Insights on December 29, 2014. The letter was sent by Federal Express. Bush Seismic has since received confirmation of delivery, indicating that Defendant has received the letter.

14. Upon information and belief, since at least the time it received notice, Geophysical Insights has induced and continues to induce others to infringe at least one claim of the '942 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Geophysical Insights' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '942 patent.

15. In particular, Geophysical Insights' actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Geophysical Insights has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Geophysical Insights has had actual knowledge of the '942 patent and that its acts were inducing infringement of the '942 patent since at least the date Geophysical Insights received notice that such activities infringed the '942 patent.

16. Despite Bush Seismic's notice to Geophysical Insights regarding the '942 patent, Geophysical Insights has continued to infringe the '942 patent. On information and belief, Geophysical Insights' infringement has been and continues to be willful.

17. Bush Seismic has been harmed by Geophysical Insights' infringing activities.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,411,903**

18. The allegations set forth in the foregoing paragraphs 1 through 17 are incorporated into this Second Claim for Relief.

19. Upon information and belief, Geophysical Insights has and continues to directly infringe one or more claims of the '903 patent by making, using, selling, importing and/or providing and causing to be used products and services embodied by one or more claims of the '903 patent, including the use of neural networks or other claimed specialized computer technologies in the exploration of oil and gas and/or minerals, which products and services, by way of example, include Geophysical Insights' Interpretation Services and Paradise Software (the "Accused Instrumentalities").

20. Geophysical Insights was made aware of the '903 patent and its infringement thereof at least as early as its receipt of correspondence from Bush Seismic providing notice of

the '903 patent and Geophysical Insights' infringement thereof sent to Geophysical Insights on December 29, 2014. The letter was sent by Federal Express. Bush Seismic has since received confirmation of delivery, indicating that Defendant has received the letter.

21. Upon information and belief, since at least the time it received notice, Geophysical Insights has induced and continues to induce others to infringe at least one claim of the '903 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Geophysical Insights' partners and customers, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the '903 patent.

22. In particular, Geophysical Insights' actions that aid and abet others such as its partners and customers to infringe include advertising and distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities. On information and belief, Geophysical Insights has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Geophysical Insights has had actual knowledge of the '903 patent and that its acts were inducing infringement of the '903 patent since at least the date Geophysical Insights received notice that such activities infringed the '903 patent.

23. Despite Bush Seismic's notice to Geophysical Insights regarding the '903 patent, Geophysical Insights has continued to infringe the '903 patent. On information and belief, Geophysical Insights' infringement has been and continues to be willful.

24. Bush Seismic has been harmed by Geophysical Insights' infringing activities.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Bush Seismic demands a trial by jury on all issues triable as such.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Bush Seismic Technologies, LLC demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '942 and '903 patents;
- B. An award of damages to be paid by Geophysical Insights adequate to compensate Bush Seismic for Geophysical Insights' past infringement of the '942 and '903 patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees; and
- D. An award to Bush Seismic of such further relief at law or in equity as the Court deems just and proper.

Dated: May 22, 2015

DEVLIN LAW FIRM LLC

/s/ Robert Kiddie

Timothy Devlin (*pro hac vice* to be filed)

DE Bar No. 4241

tdevlin@devlinlawfirm.com

Robert Kiddie

TX Bar No. 24060092

rkiddie@devlinlawfirm.com

1306 N. Broom Street, 1<sup>st</sup> Floor

Wilmington, Delaware 19806

Telephone: (302) 449-9010

Facsimile: (302) 353-4251

*Attorneys for Plaintiff*

BUSH SEISMIC TECHNOLOGIES, LLC